

21 C.J.S. Courts § 313

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Courts

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IX. Court Commissioners

A. Nature of Office, Appointment, Qualification, and Tenure

§ 313. Tenure, censure, or removal of court commissioner

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Court Commissioners](#)  1

The term of office of a court commissioner cannot extend beyond the term fixed by statute, and a court commissioner's conviction of a crime involving moral turpitude subjects the commissioner to censure or removal from office.

The term of office of a court commissioner cannot extend beyond the term fixed by statute,¹ but a court commissioner whose term of office is not fixed by law is regarded as holding office at the will of the appointing power.² Under a statute so providing, the court commissioner's term continues until the expiration of the term of the appointing judge and until the successor of the commissioner is appointed and qualified.³

A court commissioner's conviction of a crime involving moral turpitude, such as shoplifting, subjects the commissioner to censure or removal from office.⁴

Footnotes

1

Wis.—*State v. Turner*, 168 Wis. 170, 169 N.W. 304 (1918).

Mandatory retirement

A court commissioner may be subject to mandatory retirement at a specified age.

Wis.—*State ex rel. Sheets v. Fay*, 54 Wis. 2d 642, 196 N.W.2d 651 (1972).

2

W. Va.—*Fisher v. Lynch*, 107 W. Va. 384, 148 S.E. 484 (1929).

3

Wis.—*State ex rel. McCaffrey v. Shanks*, 124 Wis. 2d 216, 369 N.W.2d 743 (Ct. App. 1985).

4

Del.—*In re Grubb*, 749 A.2d 1250 (Del. Jud. Ct. 2000).

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